

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

In re DEEP VEIN THROMBOSIS  
LITIGATION

MDL Docket No 04-1606 VRW

ORDER

This Document Relates To:

WARSAW CASE

04-4860

Defendant Delta Airlines, Inc filed a motion for partial summary judgment on November 3, 2006. Doc #520 (04-1606). The consolidated motion sought partial summary judgment in eight individual cases, including Bianchetti, et al v Delta Airlines, Inc, 04-cv-4860. The court issued an order granting partial summary judgment for Delta Airlines on December 4, 2006. Doc #528 (04-1606). Both defendant's motion and the court's order were filed in the consolidated multi-district litigation (MDL) docket, M:04-cv-1606 VRW. But the Bianchetti case was never added to the MDL docket. Accordingly, there is no evidence that the Bianchetti plaintiffs received notice of either defendant's motion for partial summary judgment or the court's order granting partial summary judgment.

1           The court shall, therefore, SET ASIDE its December 4,  
2 2006, order as it pertains to Bianchetti, et al v Delta Airlines,  
3 Inc, 04-cv-4860. The clerk is directed to add Bianchetti to the  
4 MDL docket, M:04-cv-1606. Defendant shall refile its motion for  
5 partial summary judgment in both the MDL docket (04-cv-1606) and  
6 the Bianchetti docket (04-cv-4860). Defendant shall also provide  
7 the court with proof that the Bianchetti plaintiffs were properly  
8 served.

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10           IT IS SO ORDERED.

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12           VAUGHN R WALKER

13           United States District Chief Judge  
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